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FROM: Paul Naik, Ph.D.
Registration No.: 49,075

RE: U.S. Serial No.: 09/995,693
Our Docket No.: P0938P1C2

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Enclosed for consideration and entry on the record in connection with the above application are: this cover page (1 page); Response to Restriction Requirement Under 35 C.F.R. §1.121 (2 pages), and Revocation and Power of Attorney (3 pages).


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Patent Docket No. P0938P1C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--|---|
| In re Application of Ralph H. Schwall et al. Serial No.: 09/995,693 Filed: November 29, 2001 For: HEPATOCYTE GROWTH FACTOR RECEPTOR ANTAGONISTS AND USES THEREOF | Group Art Unit: 1642 Examiner: Karen A. Canella Confirmation No.: 3638 Customer No.: 09157 |
| CERTIFICATE OF FACSIMILE TRANSMISSION August 13, 2004 : Date of Transmission I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313- 1450.  Pamela Gavette | |

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This paper is responsive to the Communication mailed July 13, 2004, setting forth the Examiner's restriction requirement in connection with the above-identified application. Accordingly, this response is timely filed.

Reconsideration is respectfully requested in view of the amendments and remarks submitted herein.

Serial No. 09/995,693

II. REMARKS

Restriction Requirement

Claims 42-50 are pending. The Examiner has required restriction of the claims to one of the following groups under 35 U.S.C. §121:

- I. Claims 42-44, 49 and 50, drawn to a method of treating cancer in mammal comprising administering an effective amount of a HGF receptor antagonist to a mammal diagnosed as having cancer, wherein said receptor antagonist in a human, humanized or chimeric antibody, classified in class 424, subclasses 133.1 and 142.1.
- II. Claims 45-48, drawn to an HGF receptor antagonist which specifically binds to an HGF receptor, classified in class 530, subclass 387.1, 387.3, and 388.15.

In response to the restriction requirement, Applicants hereby elect, without traverse, the invention of Group I, claims 42-44, 49 and 50 for further prosecution. Applicants expressly reserve the right under 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of the instant application.

In the unlikely event that the transmittal letter is separated from this document and the U.S. Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to our Deposit Account No. 07-0630.

Respectfully submitted,
GENENTECH, INC.

Date: August 13, 2004

By: 

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